

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

-----X
UNITED STATES OF AMERICA,

Plaintiff,

v.

RICHARD J. HARLEY,

Defendant.
-----X

JURY TRIAL DEMANDED

No. 3:12-CR-224

Hon. A. Richard Caputo

FILED
SCRANTON

DEC - 9 2014

PER
DEPUTY CLERK

**DECLARATION OF DANIEL M. KUHN IN SUPPORT OF THE FEDERAL
RESERVE BANK OF NEW YORK'S MOTION TO QUASH
SUBPOENAS SERVED ON CHRISTOPHER J. McCURDY**

I, Daniel M. Kuhn, declare under penalty of perjury as follows:

1. I am an attorney with the Federal Reserve Bank of New York's (the "New York Fed"). I work in the New York Fed's Enforcement, Litigation and Investigation Division ("ELI"). I submit this Declaration in support of the Motion to Quash Subpoenas Served on Christopher J. McCurdy, a former employee of the New York Fed.

2. Attached hereto as Exhibit A is a true and correct copy of a subpoena that Defendant Richard Harley caused to be served on Christopher J. McCurdy. I agreed to accept service on Mr. McCurdy's behalf on December 2, 2014. The New York Fed represents Mr. McCurdy in connection with this subpoena.

3. I submit this affidavit in support of the motion to quash the McCurdy Subpoena.

4. Some of the documents that are likely to be the subject of Mr. McCurdy's testimony were produced by the New York Fed, but were originally received by the New York Fed from Defendant. None of the documents likely at issue were found in the New York Fed's records unless they were originally provided to the New York Fed by Defendant.

5. Sahil Godiwala was an attorney and an Officer in the Enforcement, Litigation, Protection, and Investigation Division (“ELPI”, now called “ELI”) within the New York Fed’s Legal Function.

6. Attorneys and Investigators in ELI support the New York Fed’s efforts to combat frauds and scams in which criminals invoke the name of the Federal Reserve System and banks within the Federal Reserve System to deceive the public. That often requires interaction with victims and perpetrators of a particular fraud or scam.

7. On December 4, 2014, Defense counsel sent me an email with “documents that may be of interest to Mr. McCurdy,” attaching a number of documents that the New York Fed had not previously seen. Those documents, to the extent potentially pertinent to Mr. McCurdy’s expected testimony, are described herein.

8. Attached hereto as Exhibit B is a copy of an email that was allegedly sent by an email account “chrismccurdy64@aol.com” at 3:33am on November 10, 2008. Also attached as Exhibit B are images of two checks purported attached to the November 10, 2008 email, each appearing to be United States Treasury checks in the amount of \$500,000,000.

9. Attached hereto as Exhibit C is a copy of an email that was allegedly sent from the “chrismccurdy64@aol.com” email account on May 4, 2009 at 3:17 pm. Also attached as Exhibit C is a “To whom it may concern” letter, also dated May 2009. The May 4, 2009 “To whom it may concern” letter was provided to the New York Fed by Defendant’s counsel on December 4, 2014, and was not previously in the New York Fed’s possession.

10. The May 4, 2009 “To whom it may concern” letter is purportedly signed by Ben S. Bernanke and Donald L. Kohn. Ben Bernanke was the Chairman and Donald Kohn was the Vice Chairman of the Board of Governors of the Federal Reserve System, which is located in Washington D.C., and neither had any position in the New York Fed.

11. Attached hereto as Exhibit D is a copy of an email that was allegedly sent from the "chrismccurdy64@aol.com" email account on February 17, 2009 at 6:21 am. The February 17 email was provided to the New York Fed by Defendant's counsel on December 4, 2014, and was not previously in the New York Fed's possession. The email appears to have attachments, but the New York Fed was not provided with copies of the attachments.


12. Attached hereto as Exhibit E is a copy of an email that was allegedly sent from the "chrismccurdy64@aol.com" email account on January 12, 2009 at 3:43 am. The January 12 email was provided to the New York Fed by Defendant's counsel on December 4, 2014, and was not previously in the New York Fed's possession. The email appears to attach six files called "SKR Yohannes Riyadi_500B", but the New York Fed was not provided with copies of those files.

13. Attached hereto as Exhibit F is a copy of an April 2010 letter, addressed to no one, and confirming information about funds apparently held by "Trueworth Holdings, Ltd." This document the "April 2010 document" in the memorandum in support of the New York Fed's motion to quash, was sent to the New York Fed by Defense counsel on December 4, 2014, and was not previously in the New York Fed's possession. The email appears to have attachments, but the New York Fed was not provided with copies of them.

14. Attached hereto as Exhibit G is a true and correct copy of the Affidavit of Christopher J. McCurdy in support of the motion to quash.

I declare under the penalty of perjury that the foregoing is true and correct.

Dated: December 9, 2013
New York, NY



Daniel M. Kuhn
Attorney
Federal Reserve Bank of New York

Case 3:12-cr-00224-ARC Document 115 *SEALED* Filed 12/01/14 Page 2 of 3

AO 89 (Rev. 06/07) Subpoena to Testify at a Hearing or Trial in a Criminal Case

UNITED STATES DISTRICT COURT

for the

United States of America

v.

Richard J. Harley

Defendant

Case No. 3:12-CR-224

Honorable A. Richard Caputo

SUBPOENA TO TESTIFY AT A HEARING OR TRIAL IN A CRIMINAL CASE

To: Chris McCurdy, Sr.
Federal Reserve Bank
33 Liberty Street
New York, NY 10045

YOU ARE COMMANDED to appear in the United States district court at the time, date, and place shown below to testify in this criminal case. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Place of Appearance:
Max Rosen United States Courthouse
137 South Main St., Wilkes Barre, PA

Courtroom No.: 3

Date and Time: December 11, 2014 9:00 A.M.

You must also bring with you the following documents, electronically stored information, or objects (if not applicable): All documents or records in your possession or under your control concerning Richard J. Harley, Joseph Tee Hui Kiat and Yohannes Riyadi, including but not limited to, (a) documents and records related to U.S. Treasury check 2122 10831730 drawn on the Federal Bank of New York to Joseph Tee Hui Kiat in the amount of \$500,000.00; (b) documents and records related to U.S. Treasury check 2122 10831731 drawn on the Federal Bank of New York to Yohannes Riyadi in the amount of \$500,000.00; (c) To Whom It May Concern letter of May 2009 concerning said checks; (d) safekeeping receipt of March 11, 2009 concerning said checks; (e) extended safekeeping receipt of April 14, 2009 concerning said checks. Copies of said documents are attached hereto.

(SEAL)

Date: 11-21-2014

CLERK OF COURT MARIA E. ELKINS

Christine L. Lavin
Signature of Clerk or Deputy Clerk

The name, address, e-mail, and telephone number of the attorney representing (name of party) Richard J. Harley
who requests this subpoena, are:

Joseph A. O'Brien, Esquire
Oliver, Price & Rhodes
1218 South Abington Road
P.O. Box 240
Clarke Summit, PA 16811
570-585-1309
jacob@oprlaw.com

See "Instructions for Service of Process by U.S. Marshall"

NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SEIZE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN
 J. Edgar Hoover, Jr. Federal Reserve Bank
 ADDRESS (Street, R.F.D., etc.) (City, State and Zip Code)
 11 Liberty St. New York, NY 10045

Check for service
on U.S.A.

Joseph O'Brien, Esq.
P.O. Box 240
Glark Summit, PA 15821

1. NAME OF THE PERSON OR FIRM WHO WILL BE IN CHARGE OF THE SERVICE Mr. and Mrs. J. Edgar Hoover

☐ have been publicly reported; ☒ have been publicly reported; ☐ have executed, or plan to execute, the process described above.

	Formal Fee Tax	Toll Charge	Advance Deposits	Amount paid by S. Marshall on (Charge) (Refund)
\$61.09	\$8	\$74.09		\$0.00

11/30/14 - Individual no longer works at location

и неч.

DISTRIBUTED TO: CLERK OF THE COURT

PRIOR EDITIONS MAY BE USED

1. PAID TO RECEIVED DATE BY FOR AMOUNT REMARKS

Form USM-285
Rev. 11/43

Case 3:12-cr-00224-ARC Document 115 *SEALED* Filed 12/01/14 Page 3 of 3

AD-25 (Rev. 04/07) Subpoena to Testify at a Hearing or Trial in a Criminal Case (Page 2)

Case No. _____

PROOF OF SERVICE

This subpoena for (name of individual and title, if any) Chris McCurdy, Sr.
 was received by me on (date) 11/20/14

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on (date) _____; or

☒ I returned the subpoena unexecuted because: The individual is no longer employed at the bank. Per Stephanie Ruiz - paralegal - 812-720-5175

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of

\$ _____

My fees are \$ 1.09 for travel and \$ 105.00 for services, for a total of \$ \$106.09
0.00

I declare under penalty of perjury that this information is true.

Date: 11/21/14

[Signature]
 Server's signature

DUSM Allison Honenauer
 Printed name and title

500 Pearl St. Suite 400 New York, NY 10007
 Server's address

Additional information regarding attempted service, etc:

3:12-224-2

Fwd: Cheque_Joseph

Thursday, April 9, 2009 12:11 PM

"Josef Teo" <josefteo@gmail.com>

rhco@verizon.net

2 files (103KB) | F

- Cheque_Joseph_Nov2008.jpg
- Cheque_Joseph_Nov2008.jpg

Dear Richard, I will be signing all the document.
Best regard Joseph

----- Forwarded message -----

From: Yohannes Rhyadi <y.rhyadi@ny.frb.org>

Date: Mon, Nov 10, 2008 at 11:49 AM

Subject: Fwd: Cheque_Joseph

To: josefteo@gmail.com



----- Forwarded message -----

From: <y.rhyadi@ny.frb.org>

Date: Mon, Nov 10, 2008 at 3:33 AM



Subject: Cheque_Joseph

To: y.rhyadi@ny.frb.org

United States Treasury		N 212,639,974	
	03 31 11	11	NEW YORK, NY
	306-71-	31	3 G
	PAY TO THE ORDER OF		Cheque No
	MR. JOSEPH TEO HUI KIAT		2122 10031731
VALUE DATE		AMOUNT US\$500,000,000.00	
MARCH 31, 2011		IN WORDS: US DOLLARS FIVE HUNDRED MILLION	
		FEDERAL RESERVE BANK OF NEW YORK	
		VALID AFTER GOOD VALUE	
			
"033108" : 00000002122: 10031731:" 033111 /05000000000/			

Highly Confidential

Federal Reserve Bank of New York 000017

United States Treasury		N 272,539,974	
		Cheque No	
03 31 11	41	NEW YORK, NY	2122 10031780
308-74-	21	00	AMOUNT US\$500,000,000.00
PAY TO		IN WORDS: US DOLLARS FIVE HUNDRED MILLION	
THE ORDER OF			
MR. JOSEPH TEO HUI KIAT		FEDERAL RESERVE BANK OF NEW YORK	
VALID DATE		VALID AFTER, GOOD VALUE	
MARCH 01, 2011			
			
"033408" :0000002122: 10931730 " 033111 /0500000000/			

Highly Confidential

Federal Reserve Bank of New York 000018

Fwd: To whom it may concern_Josep Teo Hui Kiat

Monday, May 4, 2009 11:20 PM

From:

"Josef Teo" <josefteo@gmail.com>

[View contact details](#)

rjhco@verizon.net

1 File (72KB)

To:

Message contains attachments

To whom it may concern Josep Teo Hui Kiat.jpg

----- Forwarded message -----

From: Yohannes Riyadi <yriyadi@gmail.com>

Date: Tue, May 5, 2009 at 11:19 AM

Subject: Fwd: To whom it may concern_Josep Teo Hui Kiat

To: josefteo@gmail.com

----- Forwarded message -----

From: <chrismccurdy64@aol.com>

Date: Mon, May 4, 2009 at 3:17 PM

Subject: To whom it may concern_Josep Teo Hui Kiat

To: yriyadi@gmail.com

Highly Confidential

Federal Reserve Bank of New York 000056

Fwd: To whom it may concern_Josep Teo Hui Kiat

Monday, May 4, 2009 11:20 PM

"Josef Teo" <josefteo@gmail.com>
[View contact details](#)

rjhco@verizon.net

1 File (72KB)

From:

To:

Message contains attachments

- To whom it may concern Josep Teo Hui Kiat.jpg

----- Forwarded message -----

From: Yohannes Riyadi <yriyadi@gmail.com>

Date: Tue, May 5, 2009 at 11:19 AM

Subject: Fwd: To whom it may concern_Josep Teo Hui Kiat

To: josefteo@gmail.com

----- Forwarded message -----

From: <chrismccurdy64@aol.com>

Date: Mon, May 4, 2009 at 3:17 PM

Subject: To whom it may concern_Josep Teo Hui Kiat

To: yriyadi@gmail.com



Federal Reserve Board

FEDERAL RESERVE BANK

33 LIBERTY STREET

NEW YORK, NEW YORK 10045, U.S.A.

PHONE : (212) 720 5000 FAX : (212) 720 6331

Date: May 4, 2009

Ref: FRNY/00107136-05

To whom it may concern:

Please be advised that checks no. 212210031730, 212210031731 and the Safe Keeping receipt no. 021088506 dated, April 14, 2008, issued to Mr. Joseph Teo Hui Kiat in the amount of one billion United States dollars (USD 1,000,000,000.00) are valid and negotiable.

Yours Sincerely,

Ben S. Bernanke

Ben S. Bernanke
Chairman



Donald L. Kohn

Donald L. Kohn
Vice-Chairman



Fwd: SKR_Joseph Teo Hui Kiat_200B

Monday, May 18, 2009 12:38 PM

"Josef Teo" <josefteo@gmail.com>
View contact details

From:

rhco@verizon.net

To:

6 files (617KB) | Download All

Message contains attachments

- [SKR_Joseph Teo Hui Kiat_200B_1.jpg](#)
- [SKR_Joseph Teo Hui Kiat_200B_2.jpg](#)
- [SKR_Joseph Teo Hui Kiat_200B_3.jpg](#)
- [SKR_Joseph Teo Hui Kiat_200B_4.jpg](#)
- [SKR_Joseph Teo Hui Kiat_200B_5.jpg](#)
- [SKR_Joseph Teo Hui Kiat_200B_6.jpg](#)

----- Forwarded message -----

From: **Yohannes Riyadi <yriyadi@gmail.com>**
Date: Tue, Feb 17, 2009 at 3:14 PM
Subject: Fwd: SKR_Joseph Teo Hui Kiat_200B
To: josefteo@gmail.com

----- Forwarded message -----

From: **<chrismccurdy64@aol.com>**
Date: Tue, Feb 17, 2009 at 6:21 AM
Subject: SKR_Joseph Teo Hui Kiat_200B
To: yriyadi@gmail.com

Fwd: SKR_Yohannes Riyadi_500B

Saturday, May 2, 2009 12:36 PM

"Josef Teo" <josefteo@gmail.com>
[View contact details](#)

From:

rjhco@verizon.net

To:

6 Files (617KB) | [Download All](#)

Message contains attachments

- [SKR_Yohannes Riyadi_500B_1.jpg](#), [SKR_Yohannes Riyadi_500B_2.jpg](#)
- [SKR_Yohannes Riyadi_500B_3.jpg](#), [SKR_Yohannes Riyadi_500B_4.jpg](#),
[SKR_Yohannes Riyadi_500B_5.jpg](#), [SKR_Yohannes Riyadi_500B_6.jpg](#)

----- Forwarded message -----

From: Yohannes Riyadi <yriyadi@gmail.com>
Date: Tue, Jan 13, 2009 at 2:27 PM
Subject: Fwd: SKR_Yohannes Riyadi_500B
To: josefteo@gmail.com

----- Forwarded message -----

From: <chrismccurdy64@aol.com>
Date: Mon, Jan 12, 2009 at 3:54 AM
Subject: SKR_Yohannes Riyadi_500B
To: yriyadi@gmail.com

FEDERAL RESERVE BANK
33 LIBERTY STREET
NEW YORK, NEW YORK, 10045, U.S.A.
PHONE : (212) 720 5000 FAX : (212) 720 6331

DATE : APRIL 2010
REF : FRNY

TO: MR.
CC: MR.

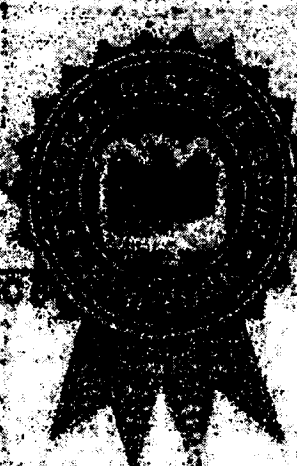
DEAR MR.

THIS LETTER PREPARED BY THE US FEDERAL RESERVE WILL CONFIRM THAT
TRUEWORTH HOLDINGS, LTD HAS ON ACCOUNT, \$ Number ONE TRILLION EURO,
LOCATED AT HSBC, LONDON AND IS IN GOOD STANDING AND FULLY ACTIVE.
THE FUNDS ON DEPOSIT IN THIS ACCOUNT ARE NON LEASED FUNDS BUT ARE
CLEAR, CLEAN AND UNENCUMBERED CASH FUNDS AVAILABLE FOR ANY TYPE OF
CREDIT LINE. FURTHERMORE WE CONFIRM THE FUNDS WERE BLOCKED AS
REQUESTED BY Trader's Name OF Company or Platform Name FOR HIS BANK, Name
Address WITH FINAL BENEFICIARY FOR Bank, Company or Platform Name AS SHOWN ON
THE EUROCLEAR PRINT OUT.

YOURS SINCERELY,

Chris McCurdy

CHRIS MCCURDY
SENIOR VICE PRESIDENT (CUC)



B. Gerard Dages

B. GERARD DAGES
VICE PRESIDENT (BGD 47 VP)

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

-----X		
UNITED STATES OF AMERICA,	:	JURY TRIAL DEMANDED
	:	
Plaintiff,	:	No. 3:12-CR-224
	:	
v.	:	Hon. A. Richard Caputo
	:	
RICHARD J. HARLEY,	:	
	:	
Defendant.	:	
-----X		

**AFFIDAVIT OF CHRISTOPHER J. McCURDY IN SUPPORT OF THE FEDERAL
RESERVE BANK OF NEW YORK'S MOTION TO QUASH**

I, Christopher J. McCurdy, declare under penalty of perjury as follows:

1. On December 2, 2014 the Defendant served a subpoena which the Federal Reserve Bank of New York (the "New York Fed") accepted on my behalf (the "McCurdy Subpoena"). The McCurdy Subpoena compels me to testify at trial on December 11, 2014, and seeks the production of documents "concerning Richard J. Harley, Joseph Hui Kiat and Yohannes Riyadi..." relating to two purported \$500,000,000.00 U.S. Treasury checks allegedly held by the New York Fed.
2. I submit this affidavit in support of a motion to quash the McCurdy Subpoena.
3. Quashal is appropriate because I lack knowledge of the documents and facts about which I am subpoenaed to testify. As set forth in greater detail below and in the memorandum of law in support of the motion to quash, I cannot offer any material or favorable testimony for the Defendant.
4. I was employed by the Federal Reserve Bank of New York for 36 years, until my retirement in December, 2009.

5. During the time period that is relevant in this case, 2009-2010, I worked in the Executive Office as Senior Advisor to the President of the Federal Reserve Bank of New York, William C. Dudley.

6. I currently live in New York City, which is over 100 miles from the United States Federal Courthouse in Wilkes-Barre, Pennsylvania. Travel to and from Wilkes-Barre would be burdensome.

7. The attorneys at the New York Fed who are moving to quash the McCurdy Subpoena have shown me certain documents that are the likely subject of my anticipated testimony. I have reviewed the documents, which include:

- a. An email from a "chrismccurdy64@aol.com" email account, that appears to have been originally sent at 3:33 am on November 10, 2008 (the "Nov. 10 email"), which attaches two purported U.S. Treasury checks each in the amount of \$500 million;
- b. An email from the "chrismccurdy64@aol.com" email account, that appears to have originally sent at 3:17 pm on May 4, 2009 (the "May 4 email"), which attaches a "to whom it may concern letter";
- c. An email from the "chrismccurdy64@aol.com" email account, that appears to have originally sent at 6:21 am on February 17, 2009 (the "Feb. 17 email");
- d. An email from the "chrismccurdy64@aol.com" email account, that appears to have originally sent at 3:54 am on January 12, 2009 (the "Jan. 12 email");
- e. A document purportedly on "Federal Reserve Bank" letterhead, dated April 2010 and directed "TO: MR." and "DEAR MR." (the "April 2010 document").

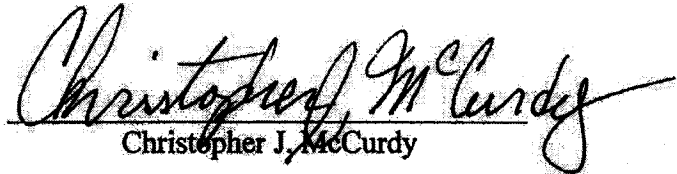
8. I have never seen any of these documents before, and make the following sworn statements about them:

- a. I did not create, and I have never used an email account with the email address "chrismccurdy64@aol.com";

- b. I never used a personal email account to conduct business relating to the New York Fed, accordingly, even if this was my email address – and it is not – under no circumstances would I ever have used it to conduct New York Fed-related business;
 - c. To the best of my recollection, I have never sent an email to “yriyadi@gmail.com,” and I did not email “yriyadi@gmail.com” on November 10, 2008, January 12, 2009, February 17, 2009, or May 4, 2009;
 - d. I am not familiar with Yohannes Riyadi, Joseph Teo Hui Kiat, or Richard Harley;
 - e. I have never seen the two purported \$500 million U.S. Treasury checks that are allegedly attached to the November 10 email;
 - f. I have never seen the “to whom it may concern letter” attached to the May 4, 2009 email;
 - g. I have never seen, and did not sign, the April 2010 document. The signature appearing on that document does not match my signature, and is a forgery.
9. I am not aware of any other documents relating to the issues and documents referenced herein or specifically requested in subpoena.


I declare under the penalty of perjury that the foregoing is true and correct.

Dated: December 7, 2014
New York, NY


Christopher J. McCurdy

STATE OF NEW YORK)
)
COUNTY OF NEW YORK)

Sworn before me on this 7th, of December, 2014


Notary Public
Commission Expires: 10/7/17
KARINE LOUIS
Notary Public, State of New York
No. 02106289978
Qualified in New York County
Commission Expires 10/7/2017